

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In The Matter of	)	
	)	
Amendment of Rule 73.202(b)	)	MM Docket No. 93- 136
Table of Allotments	)	RM-8161
FM Broadcast Stations	)	
Key Colony Beach, Key Largo, and	)	
Marathon Beach, Florida	)	

TO: Chief, Mass Media Bureau

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MAR 7 - 1994

MOTION FOR LEAVE TO FILE  
OUT OF CYCLE PLEADING

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Okeechobee Broadcasting, Inc. ("OBI"), licensee of WOKC-FM, Indiantown, Florida; Sunshine Broadcasting, Inc. ("Sunshine"), licensee of WSUV, Fort Myers Villas, Florida, and Jupiter Broadcasting Corporation ("JBC"), permittee of WADY, Jupiter, Florida (collectively "Commenters"), by their attorneys, hereby respectfully seek leave to file the attached "Supplemental Joint Comments" for consideration in the above-captioned proceeding.

Section 1.415 of the Commission's Rules states that periods for filing Comments and Replies in Rulemaking proceedings shall be set out in the Notice of Proposed Rulemaking, and that after such specified dates, additional comments will be considered only upon specific authorization. Pursuant to the Commission's Notice of Proposed Rulemaking, DA 93-532, released June 3, 1993, comments in MM Docket 93-136 were due on June 3, 1993. Replies

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thereto were filed on August 23, 1993, pursuant to an additional period of time provided for by Public Notice, FCC Report No. 1958, released August 6, 1993. Because the Commenters wish to file outside the normal pleading cycle, pursuant to section 1.415(d) they hereby seek specific authorization to do so.

While Commenters have already filed both comments and replies in this proceeding, good cause exists for acceptance of Commenters' supplemental pleading. On August 23, 1993, Spanish Broadcasting Systems of Florida, Inc. ("SBSF") licensee of WZMQ(FM), Key Largo, Florida, filed a reply in this proceeding, which in part addressed a counterproposal that has been advanced by Commenters. In its pleading, SBSF made certain factual allegations regarding the viability of Commenters' counterproposal which were in large part based on potentially misleading mistakes of fact. If Commenters are not given the opportunity to address these errors of fact, the Commission could make a decision with regard to the various proposals now before it, without an accurate picture of the viability of Commenters' counterproposal. A decision that was not based on an accurate evaluation of the feasibility and merits of the various proposals would be a waste of the Commission's valuable resources and would otherwise disserve the public interest.

WHEREFORE, good cause having been shown, Commenters respectfully request that the Commission accept and consider the attached Supplemental Joint Comments.

Respectfully submitted,

OKEECHOBEE BROADCASTING, INC.  
SUNSHINE BROADCASTING, INC.  
JUPITER BROADCASTING CORPORATION

By: 

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By: 

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Date: March 7, 1994

CERTIFICATE OF SERVICE

I, Rhonda Parrish, a secretary with the law firm of Rini & Coran, do hereby certify that I caused a copy of the foregoing "Motion for Leave To File Out Of Cycle Pleading" to be mailed, first-class, postage prepaid this 7th day of March, 1994 to the following:

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